

REMARKS

Claims 12, 13 and 17 are pending in the present application.

I. FORMAL MATTERS

Applicant notes with appreciation that the Final Office Action acknowledges the claim to priority and indicates that the copy of the priority documents filed on June 7, 2002 have been received.

Applicant notes with appreciate that the Office Action again indicates that the formal drawings submitted on March 1, 2002 are acceptable.

II. REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Applicant notes with appreciation that the rejection of claim 13 under 35 U.S.C. § 112, first paragraph, has been withdrawn.

III. PRIOR ART REJECTION

Claims 12, 13 & 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.: 5,578,808 (Taylor). This rejection is traversed.

Applicant submits that Taylor does not teach or suggest a data acquiring unit / module that communicates with a fitness tool, and does not teach or suggest to give a

character string or image as a reward for the exercise of the user using the fitness tool.

Thus, because Taylor does not teach or suggest each and every element of claims 12, 13 and 17, claims 12, 13 and 17 are not anticipated by Taylor. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claims 12, 13 and 17 under 35 U.S.C. § 102(b).

Accordingly, Applicant respectfully submits that the present application is in condition for allowance, and allowance is respectfully solicited.

If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Dated: March 31, 2008

Customer No.: 21874
665647

Respectfully submitted,

/John J. Penny, Jr./

By _____
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